Ser. No. 10/516,859   PU020269
CUSTOMER NO. 24498
Amdt. dated February 19, 2010
Reply to Office action of December 10, 2009

Remarks/Arguments

The Office Action mailed on December 10, 2009 has been reviewed and carefully considered. Claims 1, 7 and 12 have been amended. Claims 1-17 are currently pending in this application. No new matter has been added. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

The Applicant notes with appreciation the Examiner's indication of the inaccurate page references in the Applicant's previous responses. All page references to the Specification provided below are consistent with the application filed with the USPTO.

In addition, the Applicants respectfully note that the independent claims have been amended to remove the word "during" to ensure clarity of the claims. Originally, the word "during" was included for the benefit of the Examiner in view of the interpretation of the claims provided in the rejections. However, a review of the claims indicates that the phrase "throughout and during a period of signal transmission idleness" may lead to confusion given that "throughout a period of signal transmission idleness" necessarily includes "during a period of signal transmission idleness." Accordingly, the word "during" has been removed from the claims.

It should also be noted that the Specification has been amended in accordance with 37 CFR 1.57(a) to include material disclosed in provisional application 60/385,485, of which the present application claims the benefit (see also MPEP §201.17). Support for the amendment may be found in the provisional application at p. 1, lines 5-8.

Rejections under 35 U.S.C. §112, first paragraph

By the Office Action, claims 1-17 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement and the enablement requirement. Specifically, the Examiner has stated that the written description does not support or enable the phrase "automatically and repeatedly reset and reinitialize said decoder throughout and during a period of signal transmission idleness at a transmitter source until a transmission signal is received and a phase lock loop is established." We respectfully disagree.

As noted in previous responses, a problem addressed by exemplary embodiments of the present invention is the fact that a phase lock loop in conventional receivers can

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unlock due to <u>long</u> periods of <u>transmission idleness</u>, thereafter requiring a user to manually re-establish a phase lock loop to decode an audio file signal (see, e.g., Specification, p. 1, line 27 to p. 2, line 2; p. 4, lines 20-21). Exemplary embodiments of the present invention address the transmission idleness problem by "resetting and initializing a decoder 22 when a *loss* of the *wireless audio file signal* is detected" (see Specification, p. 4, lines 9-11) (emphasis added). In particular, FIG. 3 illustrates that the decoder is reset and reinitialized *in response* to a *PLL unlocked condition*. Thus, the Specification equates the PLL unlocked condition with signal transmission idleness. Furthermore, FIG. 3 illustrates that the decoder is repeatedly reset and reinitialized for as long as the decoder is unlocked (see, e.g., step 33 to step 31). Accordingly, the Specification demonstrates that a decoder is automatically and repeatedly reset and reinitialized throughout a period of signal transmission idleness at a transmitter source. Moreover, as illustrated in FIG. 3, the loop between the unlocked condition determination (33) and the decoder reset and reinitialization (31) ends when the PLL is locked, i.e. the loop (33 → 31) is repeated until a transmission signal is received and a phase lock loop is established. Therefore, the Specification fully supports and enables the claims.

In support of the rejections, the Examiner has alleged, based on the following excerpt of the Specification, that the process loop of FIG. 3 operates only when a signal is received:

> [(1)] The processor 24 continually polls the decoder 32 to determine if a phase lock loop <u>in</u> the demodulation of the incoming audio file signal has been lost 33. [(2)] If the decoder's phase lock loop PLL has unlocked the processor undertakes a software reset of the decoder and reinitializes a phase lock loop condition <u>in</u> the decoding of the audio file signal received at the antenna 25. If the decoder's phase lock loop PLL remains locked, the processor 24 continues to poll the decoder for an unlocked condition in the phase lock loop.

Specification, p. 4, lines 14-20 (emphasis added by Examiner). First, clause (1) simply characterizes a *phase lock loop* as operating when an incoming signal is demodulated. The clause does not state that the *process loop 30* operates *only* while a signal is received. As noted above, the Specification explicitly states that the reset and re-initialization step is performed "when a *loss* of the *wireless audio file signal* is detected" (see Specification, p. 4, lines 9-11) (emphasis added). Secondly, clause (2) refers to the case in which a software reset can reinitialize a <u>phase lock loop condition</u>, which of course would occur

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when a signal is received at the antenna and a locked condition is established (see next sentence, '[i]f the decoder's phase lock loop remains locked . . . ') However, the case in which an unlocked condition occurs after the reset is completely different. In particular, as discussed above, an unlocked condition occurs when no signal is received by the receiver. Furthermore, contrary to the assertions posed by the Examiner, the repetition of the reset and reinitialization step 31 *does not* depend on *receiving a signal*. Rather, as illustrated in FIG. 3, the repetition is dependent on an unlocked condition, which, as discussed above, corresponds to a "*loss* of the *wireless audio file signal*" (see repetition of step 33 to step 31, FIG. 3; Specification, p. 4, lines 9-11) (emphasis added).

Accordingly, the claims of the present application are fully supported and enabled by the Specification for at least the reasons discussed above. As such, withdrawal of the rejections is respectfully requested.
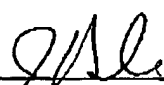
In view of the foregoing, the Applicant respectfully requests that the rejections of the claims set forth in the Office Action of December 10, 2009 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to the Applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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Dated:___2-19-10___   By: _____

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